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By: **Senators Teitelbaum and Kelley**  
Introduced and read first time: January 31, 2003  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Telephone Companies - Universal Directory Service**

3 FOR the purpose of requiring a local exchange carrier to provide to competing  
4 providers nondiscriminatory access to its telephone numbers, directory  
5 assistance, and directory listings services, including certain databases, at  
6 certain rates; requiring a local exchange carrier to include in its directory  
7 assistance and directory listings databases the telephone numbers of customers  
8 of competing providers on a nondiscriminatory basis under certain  
9 circumstances; requiring a local exchange carrier to provide to any person  
10 seeking directory assistance or directory listings services certain telephone  
11 numbers on a nondiscriminatory basis; requiring a competing provider to  
12 provide the telephone numbers to the local exchange carrier in accordance with  
13 a certain schedule; requiring the Public Service Commission to adopt certain  
14 regulations; authorizing certain civil penalties to be imposed for certain  
15 violations of this Act and of certain violations; providing a certain right of  
16 private action to enforce the provisions of this Act; providing that the failure of  
17 a local exchange carrier to include in its directory assistance and directory  
18 listings databases the telephone number of a customer of a competing provider  
19 creates a certain presumption; providing that the failure of a competing provider  
20 to provide certain telephone numbers to the local exchange carrier in accordance  
21 with a certain schedule creates a certain presumption; defining certain terms;  
22 and generally relating to telephone companies and directory service.

23 BY adding to  
24 Article - Public Utility Companies  
25 Section 8-206  
26 Annotated Code of Maryland  
27 (1998 Volume and 2002 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Public Utility Companies**

2 8-206.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.5 (2) "COMPETING PROVIDER" MEANS A CARRIER THAT COMPETES WITH  
6 OTHER LOCAL EXCHANGE CARRIERS.7 (3) "LOCAL EXCHANGE CARRIER" MEANS A PROVIDER OF TELEPHONE  
8 EXCHANGE SERVICES AND TELEPHONE TOLL SERVICES.9 (4) "TELEPHONE NUMBER" DOES NOT INCLUDE AN UNLISTED OR  
10 UNPUBLISHED NUMBER.11 (B) (1) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO COMPETING  
12 PROVIDERS NONDISCRIMINATORY ACCESS TO ITS TELEPHONE NUMBERS,  
13 DIRECTORY ASSISTANCE, AND DIRECTORY LISTINGS SERVICES, INCLUDING ITS  
14 DIRECTORY DATABASES, AT NONDISCRIMINATORY AND REASONABLE RATES.15 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A LOCAL  
16 EXCHANGE CARRIER SHALL INCLUDE IN ITS DIRECTORY ASSISTANCE AND  
17 DIRECTORY LISTINGS DATABASES THE TELEPHONE NUMBERS OF CUSTOMERS OF  
18 COMPETING PROVIDERS ON A NONDISCRIMINATORY BASIS.19 (3) A LOCAL EXCHANGE CARRIER SHALL PROVIDE TO ANY PERSON  
20 SEEKING DIRECTORY ASSISTANCE OR DIRECTORY LISTINGS SERVICE THE  
21 TELEPHONE NUMBERS OF CUSTOMERS OF COMPETING PROVIDERS ON A  
22 NONDISCRIMINATORY BASIS.23 (4) A COMPETING PROVIDER SHALL PROVIDE THE TELEPHONE  
24 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE  
25 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL  
26 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS.27 (C) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT LOCAL  
28 EXCHANGE CARRIERS AND COMPETING PROVIDERS COMPLY WITH THIS SECTION.29 (D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE  
30 COMMISSION MAY ORDER A LOCAL EXCHANGE CARRIER OR COMPETING PROVIDER  
31 THAT VIOLATES THIS SECTION OR A REGULATION ADOPTED UNDER SUBSECTION (C)  
32 OF THIS SECTION TO PAY TO A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR  
33 CUSTOMER OF A COMPETING PROVIDER WHO IS THE SUBJECT OF THE VIOLATION A  
34 CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY THAT THE VIOLATION  
35 OCCURRED AND REASONABLE ATTORNEY'S FEES.36 (2) THE CIVIL PENALTY ASSESSED UNDER PARAGRAPH (1) OF THIS  
37 SUBSECTION MAY BE IMPOSED:

1 (I) IN ADDITION TO ANY OTHER ACTIONS BY THE COMMISSION IN  
2 ACCORDANCE WITH THIS ARTICLE; AND

3 (II) IN ADDITION TO OR IN PLACE OF ANY CIVIL PENALTIES THAT  
4 THE COMMISSION MAY IMPOSE UNDER §§ 13-201 AND 13-201.1 OF THIS ARTICLE.

5 (3) IF A CUSTOMER OF A LOCAL EXCHANGE CARRIER OR CUSTOMER OF  
6 A COMPETING PROVIDER RECOVERS A CIVIL PENALTY UNDER SUBSECTION (E)(1)(II)1  
7 OF THIS SECTION FOR A VIOLATION, THE COMMISSION MAY NOT ORDER THE LOCAL  
8 EXCHANGE CARRIER OR COMPETING PROVIDER TO PAY A CIVIL PENALTY UNDER  
9 PARAGRAPH (1) OF THIS SUBSECTION FOR THE SAME VIOLATION.

10 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN ADDITION TO  
11 ANY ACTION TAKEN BY THE COMMISSION UNDER THIS ARTICLE, A CUSTOMER OF A  
12 LOCAL EXCHANGE CARRIER OR A CUSTOMER OF A COMPETING PROVIDER MAY:

13 (I) BRING AN ACTION AGAINST A LOCAL EXCHANGE CARRIER OR  
14 COMPETING PROVIDER FOR A VIOLATION OF THIS SECTION OR A REGULATION  
15 ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND

16 (II) RECOVER AS A PART OF THE JUDGMENT REASONABLE  
17 ATTORNEY'S FEES AND:

18 1. A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH DAY  
19 THAT THE VIOLATION OCCURRED; OR

20 2. ACTUAL DAMAGES.

21 (2) IF THE COMMISSION HAS ORDERED PAYMENT OF A CIVIL PENALTY  
22 UNDER SUBSECTION (D) OF THIS SECTION TO A CUSTOMER OF A LOCAL EXCHANGE  
23 CARRIER OR A CUSTOMER OF A COMPETING PROVIDER FOR A VIOLATION OF THIS  
24 SECTION OR A REGULATION ADOPTED UNDER SUBSECTION (C) OF THIS SECTION,  
25 THE CUSTOMER MAY NOT RECOVER A CIVIL PENALTY UNDER PARAGRAPH (1)(II)1 OF  
26 THIS SUBSECTION FOR THE SAME VIOLATION.

27 (F) THE FAILURE OF A LOCAL EXCHANGE CARRIER TO INCLUDE IN ITS  
28 DIRECTORY ASSISTANCE AND DIRECTORY LISTINGS DATABASES THE TELEPHONE  
29 NUMBER OF A CUSTOMER OF A COMPETING PROVIDER CREATES A REBUTTABLE  
30 PRESUMPTION THAT THE LOCAL EXCHANGE CARRIER HAS VIOLATED THIS SECTION  
31 AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION.

32 (G) THE FAILURE OF A COMPETING PROVIDER TO PROVIDE THE TELEPHONE  
33 NUMBERS OF ITS CUSTOMERS TO THE LOCAL EXCHANGE CARRIER IN ACCORDANCE  
34 WITH THE SAME DIRECTORY CLOSE SCHEDULE, IF ANY, THAT APPLIES TO THE LOCAL  
35 EXCHANGE CARRIER FOR ITS OWN CUSTOMERS' TELEPHONE NUMBERS CREATES A  
36 REBUTTABLE PRESUMPTION THAT THE COMPETING PROVIDER HAS VIOLATED THIS  
37 SECTION AND THE REGULATIONS ADOPTED UNDER SUBSECTION (C) OF THIS  
38 SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2003.